

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-15 and 34-55;

Group II: Claims 16-24, 26-29, 31, and 33; and

Group III: Claims 25, 30 and 32.

Applicants elect, with traverse, Group II, Claims 16-24, 26-29, 31 and 33, for further prosecution.

The Examiner, citing PCT Rule 13.1 and 13.2, contends that Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features. Specifically, the Office argues that the application lacks unity of invention because “each group is drawn to a special technical feature, Group I to DNA, Group II to polypeptides, Group III to antibodies”.

The Applicants respectfully traverse the Restriction Requirement on the ground that unity of invention does exist between Groups I-III because there is a technical relationship that involves the same special technical feature. It is this technical feature that defines the contribution which each of the Groups, taken as a whole, makes over the prior art.

Applicants further traverse the Restriction Requirement on the ground that the Office has failed to follow MPEP guidelines for making a lack of unity of invention requirement between restricted Groups. MPEP §1893.03(d) states:

“When making a lack of unity of invention requirement, the Examiner must (1) list different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.”

The Examiner has not explained why each group lacks unity with each other group and has not specifically described the unique special technical features in each group to justify the conclusion of a lack of unity of invention. Accordingly, Applicants respectfully

submit that the present Restriction Requirement is improper, and that the Restriction Requirement be withdrawn.

Moreover, the MPEP in §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. In fact, the International Searching Authority has searched all of the claims together.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants have now submitted a Sequence Listing and a corresponding computer-readable Sequence Listing. Sequence Identifiers (SEQ ID NO:) have been added to the specification. The sequence information recorded in the corresponding computer-readable Sequence Listing is identical to the paper copy of the Sequence Listing. Support for all of the sequences listed in the Sequence Listing is found in the present application as originally filed. No new matter is believed to have been introduced by the submission of the Sequence Listing and the corresponding computer-readable Sequence Listing.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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